IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.834 OF 2004

IN

SUIT NO.756 OF 2004

...

Mrs.Yasmin Mehrotra ...Plaintiff

v/s.

Mr.Tirandaz M. Irani

and others. ...Defendants

...

Mr.A.G. Damle for the Plaintiff.

Mr.S.M.Shah for Defendants No.1(B) and 3.

...

CORAM: D.K.DESHMUKH, J.

DATED: 2nd December,2004

P.C.:

1. This Notice of Motion is taken out by the

Plaintiff. The learned Counsel for the Plaintiff states that all the Defendants are served. He has filed affidavit of service. Except the Defendant No.3, other Defendants are not appearing.

2. So far as prayer clause (a) is concerned, the learned Counsel appearing for the Defendant No.3 states that inspection of the account has been given and copies of which have also been given. Therefore, nothing survive in so far as prayer clause (a) is concerned.

3. So far as prayer clauses (b) & (c) are concerned, it relates to the premises from where the partnership business was carrying on, which admittedly stands in the name of the Defendant No.3. There is nothing on record placed by the Plaintiff to show that as to how this premises becomes the assets of the firm. Neither there are any averments made to that effect nor are there any documents placed on record. Therefore, there is no prima facie case made out by the Plaintiff for grant of relief claimed by prayer clauses (b) and (c) in relation to the premises from where the business was being carried on. Notice of Motion, therefore, disposed of.

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